IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 309 OF 2007

Ashok Ratilal Parekh .. Petitioner.

V/s.

1. Chirayu Jamnadas Bhatia & Ors. .. Respondents.

Mr. P.S.Dani for the Petitioner.

Mr.Chirayu J. Bhatia, the Respondent No.1-in -person.

CORAM : S. A. BOBDE, J.

DATED : 24th SEPTEMBER, 2007.

P.C. :-

. Admit. Taken up for hearing and final disposal by consent.

2. After hearing the parties for some time, it appears that there is no reason to interfere with the decree for eviction passed by the appellate court against the petitioner. The finding of the appellate court that the premises have not been used for a period of six months prior to the filing of the suit, is correct and based on clear and cogent evidence on record. In the circumstances, there is no reason to entertain this civil revision application. The same is

liable to be dismissed. Dismissed.

3. However, the respondent shall not execute the decree for a period of six months from today upon the petitioner's furnishing the usual undertaking and a specific undertaking to clear the arrears of rent within a period of four weeks from today. This shall be without prejudice to the right of the respondents to take proceedings for mesne profits in accordance with law. The undertaking shall be filed within a period of two weeks from today.

4. The application is disposed of in the above terms.

(S.A.BOBDE,J.)

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